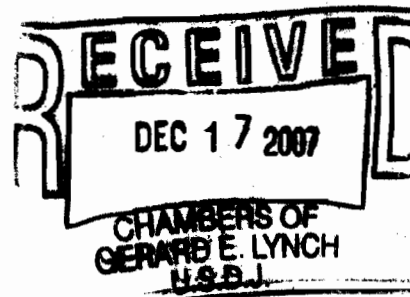




STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

Writer's Direct Telephone No.
(212) 416-6536

ANDREW M. CUOMO
Attorney General



CRIMINAL DIVISION
Federal Habeas Corpus Section

December 14, 2007

BY FIRST CLASS MAIL

Honorable Gerard E. Lynch
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 910
New York, New York 10007-1312

Re: Allen Valerio v. Division of Parole
07-CV-9867 (GEL)

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Your Honor:

I am an Assistant Attorney General in the office of Andrew M. Cuomo, Attorney General of the State of New York, attorney for respondent in the above-referenced habeas corpus petition. By order dated November 20, 2007, and received in this office on November 26, 2007, Your Honor directed our office to file its response to the petition by January 4, 2008.

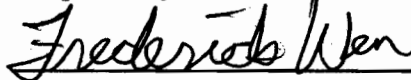
Although we have requested the relevant state court records from the New York County District Attorney's Office, we have only recently received some of them. Specifically, we are still missing the trial and sentencing transcripts. Therefore, I respectfully request a 60-day extension of time until March 4, 2008, to respond to the petition. An extension is necessary so that I can receive and review the records and prepare a thorough response to the habeas petition. In addition, I have eight other petitions that I am working on filing responses for, including three due in December, four others due in January, including two others also due on January 4, 2008, and one in February. I am also drafting a brief before the Second Circuit due at the end of December. Furthermore, I will be out-of-state on my honeymoon from December 24, 2007, through January 4, 2008. Finally, because petitioner is currently released on parole, an extension will not unduly prejudice him. No previous extensions have been sought in this matter. Of course, should I receive the records and finish my response earlier than anticipated, I will make every effort to file it before the deadline.

I have not contacted petitioner concerning this request as he is proceeding *pro se* and is currently released on parole. Thank you for your consideration.

***SO ORDERED**
Gerard E. Lynch
GERARD E. LYNCH, U.S.D.J.

12/17/07

Respectfully submitted,



FREDERICK H. WEN (FW 7588)

Assistant Attorney General

120 Broadway

New York, NY 10271

(212) 416-6536

Fred.Wen@oag.state.ny.us

cc (by U.S. Mail): Allen Valerio
P.O. Box 1195
New York, NY 10035